

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

JUN 12 2015.

Mr. J. Steve Mote
Delta Companies Group / Greif Inc.
334 Tidal Road
Deer Park, TX 77536

AWMD / WEMM
JUN 15 2015
RECEIVED

RE: Fully-Signed Administrative Order on Consent No. 15-HW-E005

Dear Mr. Mote:

Enclosed please find a copy of the fully-signed Administrative Order on Consent (Order) for your files. Your penalty payment of \$7,350 is being mailed to the St. Louis County School Fund for deposit as per the Order.

As outlined in the Order, the remaining penalty of \$7,350 will remain suspended for one year from the effective date of this Order. If Greif Fenton repeats any violations of this Order and the Missouri Hazardous Waste Management Law and/or regulations during the suspension period, the full \$7,350 penalty will be due.

If you have questions regarding the Order, please contact me at (573) 751-0752 or by mail as instructed in the Order. Thank you for your cooperation in this matter.

Sincerely,

HAZARDOUS WASTE PROGRAM

Debra Dieckow

Debra Dieckow
Environmental Specialist
Compliance and Enforcement Section

DLD:cah

Enclosure

c: Mr. Geoffrey Luebbering, Accounting Program
Ms. Beth Koesterer, USEPA Region

RCRA



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BEFORE THE
DEPARTMENT OF NATURAL RESOURCES
STATE OF MISSOURI

IN THE MATTER OF:

Greif Packaging LLC
and
Greif, Inc.
(EPA ID #MOD003939907)

No. 15-HW-E005

SERVE:

Mr. J. Steve Mote
Delta Companies Group / Greif, Inc.
334 Tidal Road
Deer Park, TX 77536

ADMINISTRATIVE ORDER ON CONSENT

I. NOTICE TO RECIPIENTS OF ADMINISTRATIVE ORDERS

The issuance of this Administrative Order on Consent No. 15-HW-E005 ("Order") by the Missouri Department of Natural Resources ("Department") is a formal administrative action by the State of Missouri and is being issued because the Department believes that Greif Inc., and Greif Packaging LLC (collectively "Greif"), doing business at 2391 Cassens Drive, Fenton, Missouri, is in violation of Missouri Hazardous Waste Management Law, Chapter 260, Revised Statutes of Missouri ("RSMo"), and its implementing regulations. This Order is issued under Sections 260.410 and 260.425, RSMo. Failure to comply with this Order is, by itself, a violation of the Missouri Hazardous Waste Management Law under Section 260.425.1, RSMo.

II. FINDINGS OF FACT

1. The Department conducted inspections of Greif on May 7, 2013 and March 25, 2014.
2. During the inspections, the Department observed violations of Missouri Hazardous Waste Management Law and regulations.
3. On April 17, 2014, the Department issued Notice of Violation ("NOV") No. SLR23468556 to document these violations.
4. On July 7, 2014, Greif had returned to compliance having adequately addressed these violations.

III. CONCLUSIONS OF LAW

The Department finds that the following violations of the Missouri Hazardous Waste

Management Law, Chapter 260, RSMo, and its implementing regulations have occurred, thereby subjecting Greif to penalties as described in Section 260.425, RSMo:

5. Failed to determine if wastes are hazardous, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.11.
6. Failed to use a licensed hazardous waste transporter, in violation of Section 260.380.1(5) RSMo.
7. Failed to use authorized hazardous waste treatment, storage, or disposal facility or resource recovery facility, in violation of Section 260.380.1(7) RSMo.
8. Failed to update *Notification of Regulated Waste Activity* form, in violation of 10 CSR 25-5.262(2)3.B.
9. Failed to test waste or use knowledge of waste to determine if waste is restricted from land disposal, in violation of 10 CSR 25-7.268(1) incorporating 40 CFR 268.7(a).
10. Failed to use manifest system, in violation of Section 260.380.1(6) RSMo and 10 CSR 25-5.262(2)(B).
11. Failed to keep containers of hazardous waste closed in storage, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265-173(a).
12. Failed to mark containers of hazardous waste clearly as "hazardous waste," in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3).
13. Failed to mark accumulation date on hazardous waste containers, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2).
14. Failed to inspect and maintain facility (weekly), in violation of 10 CSR 25-5.262(2)(C)2.C(I)&(II) referencing 40 CFR 265.174.
15. Failed to take precautions to prevent accidental ignition of ignitable or reactive wastes by clearly posting "No Smoking" signs where ignitable wastes are stored, in violation of 10 CSR 25-5.262(s)(C)2.F(II).

16. Failed to mark satellite accumulation beginning date or identify the contents, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(ii) as modified by 10 CSR 25-5.262(2)(C)3.

IV. AGREEMENT

17. The Department and Greif desire to amicably resolve all claims that the Department might bring against Greif for the violations of the Missouri Hazardous Waste Management Law and regulations described above and within NOV No. SLR23468556 without Greif admitting the validity or accuracy of such claims. The Department and Greif agree that this Order resolves only the specific violations described herein, that this Order shall not be construed as a waiver or a modification of any requirements of the Missouri Hazardous Waste Management Law and regulations or any other source of law, and that this Order does not resolve any claims based on any failure by Greif to meet the requirements of this Order, or claims for past, present, or future violations of any statutes or regulations other than those specifically referenced herein.
18. The provisions of this Order shall apply to and be binding upon the parties executing this Order, their agents, subsidiaries, successors, assigns, affiliates, and lessees, including the officers, agents, servants, corporations and any persons acting under, through, or for the parties agreeing hereto. Any changes in ownership or business status, including but not limited to any transfer of assets or real or personal property, shall not affect the responsibilities of Greif under this Order.
19. Greif shall pay the sum of \$14,700.00 as a penalty, of which \$7,350.00 will remain suspended on the condition that there are no further violations of this Order and the Missouri Hazardous Waste Management Law and/or regulations during the one-year period following the effective date of this Order.
20. Greif plans to close the facility in May 2015. Prior to vacating the facility, Greif agrees to take the following steps in closing:
- a. Make a hazardous waste determination on all wastes remaining at the facility.

- i. **For solid wastes:** Greif shall ensure that all solid wastes are properly disposed in compliance with applicable law and regulations. Greif shall maintain wastes manifests and submit them within the timeframe listed in subparagraph b., below.
 - ii. **For hazardous wastes:** Greif shall ensure that all hazardous wastes are properly disposed at a permitted treatment, storage, and disposal facility by using a licensed hazardous waste transporter. Greif shall maintain all hazardous waste manifests.
 - b. Greif shall submit all documentation of disposal of the waste materials within 30 days of disposal at the address listed in Section V of this Order.
 - c. Following the removal and disposal of all wastes, Greif shall so notify the Department and allow the Department the access necessary to conduct a final closure inspection.
21. Within 15 days of receiving this Order, Greif shall pay the \$7,350.00 as an up-front penalty by certified check made payable to the “*St. Louis County Treasurer, as custodian of the St. Louis County School Fund.*” Upon signing this Order, Greif shall mail such payment along with the signed Order to:
- Mr. Geoffrey Luebbering
Accounting Program
Missouri Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0477
22. Contingent upon Greif’s compliance with this Order, the Department agrees not to bring or cause to be brought any civil action against Greif for penalties arising out of the above-referenced violations of the Missouri Hazardous Waste Management Law and/or regulations.
23. Greif agrees to comply with the Missouri Hazardous Waste Management Law and regulations and, in particular, to refrain from further violations of 10 CSR 25-5.262(1); Section 260.380.1(7) RSMo; 10 CSR 25-5.262(2)3.B; 10 CSR 25-7.268(1); Section 260.380.1(6) RSMo; and 10 CSR 25-5.262(2)(C)2.C(I)&(II), for all future operations.
24. By signing this Order, all signatories assert that they have read and understand the terms of this Order, that they had the opportunity to consult with counsel, and that they have the

authority to sign this Order on behalf of their respective company.

25. The terms stated herein constitute the entire and exclusive agreement of the parties hereto with respect to the matters addressed herein. The terms of this Order supersede all previous memoranda of understanding, notes, conversations, and agreement whether express or implied. This Order may not be modified orally.
26. No portion of any penalties paid pursuant to this Order may be used to reduce Greif's federal or state tax obligation.
27. Nothing in this Order excuses Greif for any future non-compliance with the laws of the State of Missouri, and the Department expressly reserves the right to address future non-compliance in any manner authorized by law.
28. This Order will become final, effective, and fully enforceable upon the date the Department signs it. The Department shall send a fully executed copy of this Order to Greif for its records.

V. CORRESPONDENCE AND DOCUMENTATION

Correspondence or documentation with regard to this Order shall be directed to the following persons, subject to change upon written notification from either party:

For the Department:
Ms. Debra Dieckow
Compliance and Enforcement Section
Hazardous Waste Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

For Greif Company:
Mr. J. Steve Mote
Delta Companies Group / Greif, Inc.
334 Tidal Road
Deer Park, TX 77536

VI. RIGHT OF APPEAL

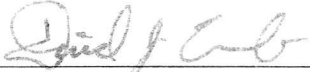
By signing this Order, Greif waives any right to appeal, seek judicial review, or otherwise challenge this Order pursuant to Sections 260.410; 260.412; 260.415; 621.250, or 640.010

RSMo, Chapters 536 or 260 RSMo, 10 CSR 25-2.020, or any other source of law.

AGREED TO AND SO ORDERED:

MISSOURI DEPARTMENT OF
NATURAL RESOURCES

GREIF PACKAGING LLC



David J. Lamb, Director
Hazardous Waste Program

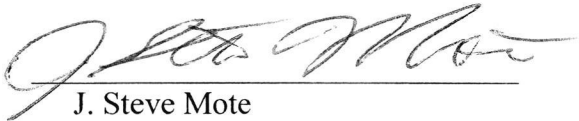
Date: 6-8-2015



J. Steve Mote
Vice President and General Manager

Date: 5-8-15

GREIF INC



J. Steve Mote
Vice President and General Manager

Date: 5-8-15